

MAR 06 2020

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
RIGHTS ACT OF 1983
SAN JOSE, CALIFORNIA

Name: **Saddozai** **Shikeb**

(Middle Initial)

Prisoner Number: AY1590

Institutional Address: **Corcoran State Prison**

P.O.Box 3461, Corcoran, California, 93212

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SHIKEB SADDOZAI

"THIRD" AMENDED COMPLAINT"

Case No. 18-cv-05558-BLF (PR)
(Provided by the clerk upon filing)

CLAWSON,et al.,

**COMPLAINT UNDER THE
CIVIL RIGHTS ACT,
42 U.S.C. § 1983**

(Enter the full name(s) of the defendant(s) in this action.)

I. Exhaustion of Administrative Remedies.

Note: You must exhaust available administrative remedies before your claim can go forward. The court will dismiss any unexhausted claims.

A. Place of present confinement **Corcoran State Prison**

B. Is there a grievance procedure in this institution? YES ☒ NO ☐

C. If so, did you present the facts in your complaint for review through the grievance procedure? YES ☒ NO ☐

D. If your answer is YES, list the appeal number and the date and result of the appeal at each level of review. If you did not pursue any available level of appeal, explain why.

1. Informal appeal:

2. First formal level: October 15, 2018, Appeal#SQ-A-18-02997
filed against correctional officer; Clawson and denied.

3. Second formal level: November 6, 2018, Appeal#SQ-A-18-02997
filed and denied at second level.

4. Third formal level: February 5, 2019, Appeal#SQ-A-02997
exhausted and denied at third level.

E. Is the last level to which you appealed the highest level of appeal available to you?

YES ☒ NO ☐

F. If you did not present your claim for review through the grievance procedure, explain why.

II. Parties.

A. Write your name and present address. Do the same for additional plaintiffs, if any.

Shikeb Saddozai-CDCR#AY1590, Corcoran State Prison

P.O.Box 3461, Corcoran, California, 93212

B. For each defendant, provide full name, official position and place of employment.

Clawson, CDCR Correctional Officer, San Quentin State Prison.

Ron Davis, Warden, San Quentin State Prison, San Quentin,
California.

Director, Director of the California Department of Corrections
and Rehabilitation, P.O.Box 942883, Sacramento, California, 94283-
0001.

1 **III. Statement of Claim.**

2 State briefly the facts of your case. Be sure to describe how each defendant is involved
and to include dates, when possible. Do not give any legal arguments or cite any cases or
3 statutes. If you have more than one claim, each claim should be set forth in a separate
numbered paragraph.

4 (See: Statement of Claim. Attachments page: 4,5,6.
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16 **IV. Relief.**

17 Your complaint must include a request for specific relief. State briefly exactly what you
want the court to do for you. Do not make legal arguments and do not cite any cases or
18 statutes.

19 (See: Relief. Attachment page: 7)
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24 I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

25 Executed on: March 2, 2020

Date

A. Laddorzi

Signature of Plaintiff

STATEMENT OF CLAIM. I

1. At all times relevant to this case, plaintiff Shikeb Saddozai, while detained in the custody of the California Department of Corrections and Rehabilitation (CDCR), San Quentin State Prison (SQSP), on or about August 14, 2018, Saddozai, after returning from evening meal, awaiting for his cell door to be unlocked by officer, was beaten and battered by four inmates.
2. Saddozai attempted to protect his face and head with his arms. Correctional officer Clawson, at all times acted under the color of state law, acted with deliberate indifference, discharged and fired his weapon shooting Saddozai on his lower back towards his buttocks, rather than the four intended targets, without verbal warning, and as a result assailants failed to comply, continued to assault Saddozai, in violation of the U.S. constitution under the Eighth Amendment.
3. At all times relevant hereto, defendant, Clawson, is a correctional officer employed with the California Department of Corrections and Rehabilitation, to perform duties at the San Quentin State Prison institution. At all times defendant, Clawson, was acting in such a capacity as the agent, servant, and employee, under the color of state law pursuant to his authority under the California Department of Corrections and Rehabilitation, and is sued individually, and in his official capacity. Defendant, Ron Davis is the Warden for San Quentin State Prison, and held liable for the policy decisions, writes regulations, or gives orders, failed in his duty to act upon notice, reports, appeals, and knowledge, promulgated a policy that does direct or condone the wrongful conduct of defendant, Clawson, whom had in his possession, pepper spray, that is less likely to relate to death or serious bodily injury, and deliberately failed the use of alternatives to the immediate use of deadly force, acted with deliberate indifference shot Saddozai with his block gun, to cause plaintiff Saddozai, intentional injury, damage, and unwarranted due to Saddozai being the victim, and who defendant Clawson, failed to protect from harm. Defendant, The Director of the California Department of Corrections and Rehabilitation, is held liable for Warden Ron Davis's actions, who are prison

1 policymakers, writes regulations, or gives orders, at least for
2 the purpose of prison management and reaches the level of
3 deliberate indifference, failing to ensure plaintiff is free
4 from cruel and unusual punishment, including the right to
5 be free from unjustified and excessive force utilized by
6 correctional officer Clawson, resulting in U.S. Constitutional
7 violations under the Fourth, Fifth, Eighth, and Fourteenth
8 Amendments, while plaintiff Saddozai is a convict under
9 direct criminal appeal for custody offense, who's criminal
10 conviction is not finalized, and as such defendants actions
11 effected plaintiff's personal liberty, and the Court has
12 supplemental jurisdiction over plaintiff's State law claims
13 under 28 U.S.C. § 1346.

- 14 4. Saddozai was removed from housing unit in handcuffs
15 behind his back as punishment to inflict additional pain,
16 cuts, bruising, and numbness due to cuffs placed extremely
17 tight beyond reasonbleness cutting Saddozai's blood
18 circulation, leading to nerve damage and loss of feeling.
- 19 5. Saddozai was forced to strip naked, in the presence of non
20 medical personnel, and denied immediate doctor's attention
21 or medician upon Saddozai's request for his inflicted
22 injuries, active bleeding, pain and suffering, nor reason-
23 able accommodations made for his physical disability
24 effecting his life activities, preventing Saddozai from
25 using the toilet sitting or laying down, leaving Saddozai
26 incapacitated, as a result of being assaulted by four
27 inmates, and by correctional officer Clawson, violating
28 Saddozai's Fourth, Eighth, and Fourteenth Amendments under
29 the U.S. constitution.
- 30 6. Unknown supervisory officials authorized Saddozai's
31 transfer to disciplinary housing unit Carson, commonly
32 known as the hole, without hearing, and with loss of
33 privileges , devoid of disciplinary violation, when it was
34 reflected that Saddozai was the victim of assault.

- 1 7. Saddozai was repeatedly denied complaint and medical forms
2 upon his request to prevent Saddozai from exercising his
3 first amendment rights to initiate a civil action, and to
recieve medical treatment, while housed in disciplinary.
- 4 8. The following claims involving a different set of defend-
5 ants, all related to each other, arising out of the same
6 transaction, occurrence, or series of transactions or
7 occurrences Fed R.Civ.P 20(a)(2), and have violated
plaintiff Saddozai's First, Fourth, Fifth, Eighth, and
Fourteenth Amendments under the U.S. constitution.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully pray that this court enter judgment

9. Granting plaintiff, Shikeb Saddozai, a declaration that the acts and omissions described herein violate plaintiff's rights under the constitution, and laws of the United States.
10. A preliminary and permanent injunction ordering defendants to be retrained and supervised in carrying out policy and procedure.
11. Granting plaintiff compensatory damages against each defendant jointly and severally.
12. Plaintiff seeks punitive damages against each defendant jointly and severally.
13. Plaintiff seeks jury trial on all issues triable by jury.
14. Plaintiff also seeks recovery of their cost in this suit and:
15. Any additional relief this court deems just, proper, and equitable.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA AND THE UNITED STATES THAT THE FOREGOING IS TRUE AND CORRECT AND THAT THIS DECLARATION WAS EXECUTED ON: 2 DAY OF March, 2020.

Shikeb Saddozai
Plaintiff SHIKEB SADDZOAI